HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.5910 OF 2006

DATE:27.03.2006

Between:

S.Venkatarao & four others.

..... PETITIONERS

AND

The Government of A.P., rep. by its
Principal Secretary, Irrigation and
Common Area Development,
Secretariat, Saifabad, Hyderabad &
Four others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.5910 OF 2006

ORDER:

By means of filing this Writ Petition under Article 226 of Constitution of India, the petitioners challenge the election notification, dated 17.3.2006 issued for conducting the elections on 3.4.2006 to the Naleswar Ethipothala Scheme Cooperative Society, Naleswar, Navipet Mandal, Nizamabad District, contending that from the voters list, dated 15.3.1999 published for conducting the said elections, the respondents have illegally excluded 335 eligible voters including the petitioners and therefore, the action of the respondents is arbitrary and illegal and hence, the elections cannot be held.

Heard the counsel for the parties. Perused the material on record.

In **S.S.S.J.S. (M.M.) S.D.U. Sanstha v. State of Maharashtra** the Apex Court clearly held that since preparation of the electoral roll is an intermediate stage in the process of election of the Managing Committee of a specified Society and the election process having been set in motion, it is well settled that the High Court should not stay the continuation of the election process even though there may be some alleged illegality of breach of rules while preparing the electoral roll.

Following the same, a Full Bench of this Court, to which, I am a party, in **Kalla Rama Krishna v . State Election Commission, Hyderabad** affirmed the view expressed by a Division Bench of this Court in **K. Ramulu v. Collector and District Election Authority** holding that election covers the entire process i.e. from the issue of the notification under the relevant legislation to the declaration of the result. In view of the same, the only submission made by the learned counsel for the petitioner that this Court in W.P.No.1603 of 2006 and Batch, by order dated 3.2.2006 directed the authorities to first get all the voters lists verified through the officers of the Irrigation Department not below the rank of Assistant Executive Engineer, publish voters lists as required under Section 9(6) of the Delineation Rules and conduct elections ten days thereafter, cannot be accepted for the reason that in the said case, the election authority has not set the election process in motion, and hence, the said judgment is misplaced to the facts of the present case. Hence, I see no merits in this Writ Petition.

Accordingly, the Writ Petition is dismissed at the stage of admission. No costs.

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A. GOPAL REDDY, J

27th MARCH, 2006.

Note: Issue C.C. tomorrow

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